UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,599	02/27/2004	Dale K. Brubacher-Cressman	555255012723	6800

		EXAMINER
7590	11/03/2006	JACKSON, BLANE J

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ART UNIT	PAPER NUMBER
2618	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/788,599	BRUBACHER-CRESSMAN ET AL.
	Examiner	Art Unit	
	Blane J. Jackson	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>03 August 2006</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-6, 9-16 and 26-53</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-6, 9-16, 26, 30-47 and 51-53</u> is/are rejected.

7) ☒ Claim(s) <u>27-29 and 48-50</u> is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The Airas publication, US 2005/0119023 filed August 04, 2004 is a continuation

of international application No. PCT/EP03/09534 filed on August 28, 2003. This latter

filing date is the effective filing date of this prior art as originally applied to claims 7 an 8

since the international application was published (WO/2005/022871) and filed in English

and the US was a designated state. Consequently, Airas is applied in the Final

Rejection to follow.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 9, 15, 26, 30-35, 39, 45, 47 and 51-53 are rejected under 35 U.S.C.

103(a) as being unpatentable over Messel et al. (US 2004/0204125) in view of Airas

(US 2005/0119032).

As to claims 1 and 33, Messel teaches a method and apparatus for determining

the on time of a light that illuminates a display screen in a handheld wireless

communications device comprising:

Turning the light that illuminates the display screen on (figure 1a, paragraph 0046, a display (3) light pattern or sequence is turned on when an event occurs),

Determining one or more time on factors for a viewing activity on the display screen (paragraphs 0016, 0020 and 0046, an event occurs: incoming call, an incoming call from a particular caller, a power on/off, incoming SMS etc to trigger stored display light sequence comprising timing, intensity and color where the intensity may be varied during the light sequence),

Combining the one or more determined time on factors to provide a time on value (paragraph 0046, display light sequences assigned to events in which the sequence is programmed to repeat until another event occurs),

Keeping the light that illuminates the display screen on at a fist intensity level for a duration equal to the time on value and then turning the light to a second intensity level (paragraph 0047 and 0048, user programs the light sequence to select a light or light group per the event, different sequential groups of lights, the duration of each light or light group, and intensity).

Messel does not teach wherein the one or more time on factors include at least one of an amount of text information to be displayed on the display screen and a font size of the text information to be displayed on the display screen.

Airas teaches the known conventional display is optimized for viewing by selecting the appropriate display size, font size, resolution and brightness for reading at a distance of about 50 cm from the users eyes, paragraph 0005. Alternatively, Airas discloses a mobile phone comprising a user editor for the user to compose large

symbols or sequences of elements of the matrix to be lit, allowing selection of the

brightness, color and length of the lit period such that the display is recognized by the

human eye at a distance of about 4 meters or more, figures 1, 2 and 13, paragraphs

0004-0022. Airas further teaches the large symbols to be displayed can be displayed in

a blinking fashion, paragraph 0012.

Since Messel teaches a user menu to program the color, intensity and duration of

text or animation on the display of a cellular telephone, paragraph 0041, it would have

been obvious to one of ordinary skill in the art at the time of the invention to further

control the display presentation of Messel with the programmed large text/ character

and similar display methods of Airas such that the display is readable at a distance.

As to claims 2 and 34 with respect to claims 1 and 33, Messel teaches the

second intensity level is an off state of the light (paragraphs 0019, 0020 and 0046, pre-

programmed sequence of light activation includes the intensity of the light with respect

to timing and duration as triggered by the selected event).

As to claims 3 and 35 with respect to claims 1 and 33, Messel teaches the

second intensity level is a dim state of the light (paragraph 0041, the sequence of light

activation includes the intensity of the light is varied or similar as programmed by the

user).

Claims 7 and 8 are cancelled.

As to claims 9 and 39 with respect to claims 1 and 33, Messel at least one of the time on factors is a type of activity to be performed by an end user (paragraph 0046, a power on/off by the user or other usual user initiated events may have different programmed light sequences).

As to claims 15 and 45 with respect to claims 1 and 33, Messel teaches a user profile provides default values for at least a portion of the one or more time on factors (paragraph 0046, sequences assigned to events are stored).

Claims 17-25 are cancelled.

As to claims 26 and 47 with respect to claims 1 and 33, Airas of Messel modified teaches wherein the time on value is proportional to the amount of text information to be displayed on the display screen (figure 13, paragraphs 0010-0012, an editor program for user selected length of the lit period or blinking in consideration of the large symbols or string of characters).

As to claims 30 and 51 with respect to claims 3 and 35, Messel teaches the method further comprising:

Maintaining the light at the second intensity level for a predetermined period of time (paragraph 0046, each stored sequence comprises the data for timing, intensity

and color of a light when an event occurs such as an incoming SMS message or call
from a particular caller),

If a user of the handheld wireless communications device activates one of its
functions during the predetermined period of time, then turning the light on to the first
intensity level (paragraphs 0019 and 0046, the user initiates an event, different from the
current event such as accepting the SMS message).

As to claims 31 and 52 with respect to claims 30 and 51, Messel teaches the
predetermined period of time is selectable by a user of the handheld wireless
communications device (paragraph 0020, duration of an activation one of the lights can
be selected pressing one or more keys of the keypad).

As to claims 32 and 53 with respect to claims 1 and 33, Airas of Messel modified
teaches the method further comprising:

Displaying a menu of time on factors on the display screen, the menu of time of
factors including at least one of an amount of text information to be displayed on the
display screen and a font size of the text information to be displayed on the display
screen (paragraph 0010, the mobile communication terminal comprises an editor
program allowing a user to compose a sequence or string of symbols to be displayed),

Receiving user input to select one or more of the time on factors on the menu for
use in providing the time on value (paragraphs 0005 and 0010-0013, conventional
mobile terminal comprises an editor, for composing large symbols or sequences of

elements of the matrix to be lit preferably allowing selection of the brightness, color and

length of the lit period),

Claims 4-6 and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Messel et al. (US 2004/0204125) and Airas (US 2005/0119032) in view of Tanaka

et al. (US 2003/0073467).

As to claims 4-6 with respect to claim 1 and claims 36, 37 and 38 with respect to

claim 33, Messel teaches cellular telephone display lights with several time on factors,

paragraph 0046, but does not teach at least one of the time on factors is an ambient

light level.

Tanaka teaches a wireless portable terminal comprising a light sensor (figure 2,

(155)) in close proximity to the display screen to detect the external brightness to signal

a controller to determine the intensity to energize the key backlight and screen light in

response to occurrence of a predetermined event, figures 1-4, paragraphs 0034, 0034

and 0052-0061).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to include modify Messel modified in accordance with the light sensor based

display/keypad illumination control feature of Tanaka for low power consumption in

bright ambient light and excellent user operability in a dark ambient.

Claims 10, 12, 13, 40, 42 and 43 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Messel et al. (US 2004/0204125) and Airas (US 2005/0119032) in

view of Sakamoto (US 2004/0204016).

As to claims 10 and 40 with respect to claims 1 and 33, Messel teaches several

time on factors, paragraph 0046, but does not teach at least one of the time on factors

is a behavioral pattern of a user of the handheld wireless communications device.

Sakamoto teaches a mobile communication device where the luminosity of the

device display is based on whether the device is handheld or not and if the user does

not manipulate for this pre-programmed predetermined time, the luminosity is

decreased, figures 2 and 10, paragraphs 0097-0101.

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Messel modified to include the user handhold detection feature of

Sakamoto to further reduce consumption of the battery of the portable device when not

actively used.

As to claims 12 and 42 with respect to claims 10 and 40, Sakamoto of Messel

modified teaches the behavioral pattern of a user is an average of time on values

(paragraph 0099, predetermined time for keeping the luminosity high is set and reset

based on whether the device is handheld or not).

As to claims 13 and 43 with respect to claims 12 and 42, Sakamoto of Messel

modified teaches the average of the time on values is weighted more heavily for more

recent usage by the user (paragraph 0099, the predetermined time for keeping the

luminosity high may be set longer when handholding is regularly detected).

Claims 11 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Messel et al. (US 2004/0204125) and Airas (US 2005/0119032) in view of Labban

(US 6,574,486).

As to claims 11 and 41 with respect to claims 1 and 33, Messel teaches a

conventional cellular telephone including a menu to program a light sequence,

paragraphs 0046 and 0047, but is silent to the user is identifiable by the handheld

wireless communications device through a password.

Labban teaches a method for selecting among calling options in a wireless

communication device wherein the user enters a security PIN permitting user entry into

any of the displayed set-up alternatives, figure 1, column 7, line 63 to column 8, line 14.

Since Messel of Messel modified teaches a conventional cellular telephone, it

would have been obvious to one of ordinary skill in the art at the time of the invention

realize the user control in the telephone of Messel modified the security feature of

Labban to control changes to the configuration of the telephone.

Claims 14 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable

over the combination of Messel, Airas and Sakamoto and further in view of Labban (US

6,574,486).

As to claims 14 and 44 with respect to claims 12 and 42, Sakamoto of Messel

modified teaches the predetermined time for keeping the luminosity high may be set

longer, paragraph 0099, but is silent as to the time on value is stored in a log unique to

the user.

Labban teaches a wireless telephone where the user enters a wireless telephone

security PIN permitting user entry into any of the displayed set-up alternatives where the

user can program into memory specific set-up values (a calling card number and

associated PIN), column 7, line 63 to column 8, line 14.

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the portable telephone of Messel modified with the security feature

and value storage of Labban to store control values governing the operation of the

telephone for each user.

Claims 16 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Messel et al. (US 2004/0204125).

As to claims 16 and 46 with respect to claims 15 and 45, Messel teaches a

mobile communication terminal comprising the typical menu based user interface,

keypad, display, memory and controlling processor with default function programming,

paragraph 0040, but is silent as to the user profile provides an option for a user to reset

the time on factors to default values. However, Messel further teaches the functions of

the multi-functionality keys are displayed on separate fields with information entered by

the data entering keys and information received from the network are displayed in the

basic screen area. Consequently, it would have been obvious to one skilled in the art at the time of the invention to recognize in the menu driven set-up capability of Messel the additional usual feature of the option to replace user entries and return to the set of default values.

Allowable Subject Matter

Claims 27-29 and 48-50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of
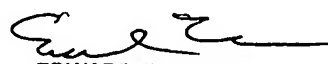
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J. Jackson whose telephone number is (571) 272-7890. The examiner can normally be reached on Monday through Friday, 9:00 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BJJ

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